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Sixty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Fourth periodic reports of States parties due in 1996

JAPAN

Corrigendum*

* The present document contains corrections to the fourth periodic report of Japan (CCPR/C/115/Add.3) submitted by note verbale on 4 September 1998 by the Permanent Mission of Japan to the United Nations Office at Geneva.

GE.98-18511 (E)

Paragraph 30, line 11

For qualifications for residence read criteria for residence status

Paragraph 31

Line 3: for counselling read vocational guidance

The third sentence of the paragraph should read as follows:

The Public Employment Security Offices, however, should not accept applications for workers or a job under articles 16 and 17 of the Employment Security Law if the application for workers or a job violated legislation.

Paragraph 52, table 4

The text of the note at the bottom of table 4 should read as follows:

Figures, taken from the end of each fiscal year, refer to national public personnel of the Designated Service and those at grade 9 (grade 2, before 1980) and above of Administrative Service I (deputy directors of division of the central offices and above). The figures in brackets include those at grade 9 and above of the Professional Service, separated from Administrative Service I in 1985.

Paragraph 61

Line 2: for in read on page 25 of the
Line 10: for international read intentional

Paragraph 64, penultimate sentence

The text of the sentence should read as follows:

This treatment of persons sentenced to capital punishment has been regarded as rational and lawful in civil lawsuits by inmates.

Paragraph 66, first sentence

Add to the end of the sentence the following text:

, and instructs them to complete the necessary arrangements during the visit of and in correspondence with the family

Paragraph 79

Line 2: after suspect insert on a voluntary basis

Line 4: for may be necessary in order to read could be conducted in cases where it is necessary to

Line 5: for may be read is

Paragraph 81

Line 1: for guarantees the right to remain silent by prescribing read prescribes

Lines 4/5: delete a suspect has the right to remain silent and

Paragraph 94, line 11

After computer programmers. add a new sentence reading as follows:

Through this vocational training, convicts acquire licences or other qualifications.

Paragraph 106

At the end of the first sentence add with emphasis on the maintenance of inmates' health

Paragraph 111, lines 1/2

For strict to maintain read strictly maintained to ensure

Paragraph 116, line 2

After art. 64 add, para. 1

Paragraph 132, line 5

For separate from read in areas separate from those of

Paragraph 135, first sentence

At the end of the sentence add which is not in charge of investigation

Paragraph 136, line 4

For rules read the measures

Paragraph 138, line 7

After checks insert to

Paragraph 187, table 5

For 50 309 000 read 53 090 000

Paragraph 194, last sentence

The sentence should read as follows:

In the case of a stateless child, the conditions concerning capability and capacity to earn a living are dispensed with, as is the residence requirement; the child can therefore acquire Japanese nationality very easily.

Paragraph 195, line 7

For Law read Act

Appendix

Insert the appendix, entitled "Decisions of the Supreme Court"

Appendix

DECISIONS OF THE SUPREME COURT

1. Grand Bench Decision of the Supreme Court, 22 June 1983

The following legal precedent was set, based on the view that restricting the freedom to read newspapers and other material is not absolutely forbidden and that, in cases, where it is necessary for an overriding public interest, such restriction may inevitably be imposed within a reasonable limit.

> "Authorization must be given to the inevitable application of certain restrictions regarding the freedom of persons under pre-trial detention to read newspapers, books and so on, in those cases in which they are necessary for the purposes of the detention, that is to prevent escape and destruction of criminal evidence, or in which it is necessary in order to maintain discipline and order within the prison as described above. However, whereas the pre-trial detention of a person not yet convicted is a restriction of personal freedom within a certain range, which is used as an unavoidable measure necessary to achieve the aforementioned purposes of criminal justice, at the same time and in principle freedoms which the general public enjoy should be guaranteed for a detainee outside the bounds of the restrictions accompanying the reasons for detention. Therefore, even in cases where a detainee's freedom to read newspapers, books and so on is restricted in order to maintain discipline and order within the prison, such restriction should be limited only to the degree seen to be truly necessary in order to carry out the purposes described. Accordingly, before such restrictions can be permitted, it is not enough to say in general and abstract terms that there is a fear that permission to read such materials may threaten the aforementioned discipline and order. Instead, based on specific and concrete circumstances such as the detainee's propensities, his behaviour, control conditions of the prison, security within the prison, the content of the newspapers, books and so on, it must be demonstrated that there is a high probability that permitting the detainee to read these items would likely inflict a non-negligible degree of damage in terms of maintaining discipline and order within the prison. Also, in such cases, the degree of the restrictions should be fairly interpreted to be only within the reasonable and necessary range for the prevention of the aforementioned damage."

2. Grand Bench Decision of the Supreme Court, 1 July 1992

Based on the view that the right to assembly stipulated in article 21, paragraph 1, of the Constitution is not guaranteed without restriction in each and every case, but rather is, needless to say, subject to reasonable and necessary restrictions, in terms of the interest of public welfare, the following legal precedent was set: "Whether or not restrictions on freedom of this kind are to be permitted as necessary and reasonable restrictions should be decided by weighing such factors as the degree to which restrictions are necessary and the content and nature of the freedom to be limited along with the specific manner and degree of the restrictions and so on."

3. Petty Bench Decision of the Supreme Court, 7 March 1995

In the matter of the interpretation and application of ordinances laying down reasons for refusing permission to use civic centres, which are public facilities, the following legal precedent was set, based on the view that it should be considered whether or not the freedom of assembly guaranteed under the Constitution is practically denied through the refusal of permission to use a civic centre.

> "A superintendent of a public facility which serves for purposes of assembly should exercise his right of management in a manner appropriate to achieve the mission of the public facility, taking into consideration the type of facility, the scale, structural equipment and so on. Even in cases where, based on these perspectives, the reasons for making such use improper are not recognized, the superintendent may nevertheless refuse usage not only in cases in which more than one party wishes to use the facility at the same time, but also in the limited instance in which granting usage of the facility for purposes of assembly would infringe upon the basic human rights of others and be injurious to the public welfare. Thus, it must be stated that there are occasions when such restriction, within a necessary and reasonable range, may be imposed on the holding of assemblies in the facility to avoid and prevent such infringement and injury. Furthermore, whether or not such restriction is indeed necessary and reasonable should be decided by weighing, at a basic level, the importance of the freedom of assembly as a fundamental human right versus other fundamental human rights which would be infringed by the convening of such assembly, along with the level of danger which such infringement would incur, and so on."

4. Petty Bench Decision of the Supreme Court, 17 October 1991

A decision was handed down which rejected the appeal that the rules of article 84 and article 2, paragraph 1, subparagraph 34, of the Income Tax Law, which excludes children and so on who are not acknowledged from dependency deductions, violate article 26 and article 23, paragraph 1, of the Covenant.

5. Petty Bench Decision of the Supreme Court, 16 November 1992

A decision was handed down which ruled as "fair and admissible" an earlier decision that the denial of permission to re-enter the country does not violate article 12, paragraph 4, of the Covenant.

6. Petty Bench Decision of the Supreme Court, 22 February 1996

A decision was handed down which ruled that article 14 of the Alien Registration Law, which regulates the system of fingerprinting, does not violate articles 7 and 26 of the Covenant.